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Army Orders. First Lieut. John Kennedy, Philippine scouts, recently appointed, has been ordered to Fort Monroe, Va., for temporary duty. First Lieut. Robert F. McMillan has been transferred from the 15th Battery of Field Artillery to the 28th Company of Coast Ar-tillery, and First Lieut. Fred C. Doyle from the 25th Company of Coast Artillery to the 15th Battery of Field Artillery. Capt. William B. Homer, Artillery Corps, has been transferred from the 65th Com-

pany, Coast Artillery, to the unassigned Capt. Elon F. Willcox, 6th Cavalry, has been relieved from duty in the Department of California and ordered to the Philippines, to perform such duty as he is able. Capt. Robert E. Callan, Artillery Corps, has been relieved from duty as judge advo-cate of the general court-martial convened at West Point, N. Y., and Capt. Andrew Hero, Artillery Corps, has been appointed to the vacancy so created. Second Lieut. Samuel D. McAllister, 13th Infantry, has been transferred to the Ar-

tillery Corps.
Contract Surgeon Peter W. Beckman at San Francisco has been ordered to Fort Duchesne, Utah, for duty. Capt. Philip G. Wales, assistant surgeon, has been relieved from duty at Fort Duchesne, Utah, and ordered to Denver, Col.

of recruits. Lieut. Col. William Quinton, 14th Infantry, has been granted four months' leave The following-named officers recently appointed have been assigned to duty with the Philippine Scouts: First Lieut. Lindzy E. Cheatham and Second Lieuts. Gustavus Moxley and James H. Hutchinson. First Lieut. John J. Miller, 19th Infantry, has been ordered to Fort Slocum, New York, for duty with recruits to be sent to

the Philippines, where he will join his regiment. First Lieut. George Steunenberg, 13th Cavalry, has been relieved from duty at Fort Meade, South Dakota, and ordered to join his troop at Fort Robinson, Nebraska. Capt. Charles C. Walcutt, jr., of the cavalry, quartermaster, has been ordered to the Philippines for duty.

Maj. Ira MacNutt, ordnance department, has been ordered from New York city to Forts Armistead, Carroll, Howard and Forts Armistead, Carroll, Howard and Smallwood, Maryland, on business pertaining to the inspection of the armament at those posts.

hose posts. Capt. Thomas B. Lamoreux, Artillery Corps, quartermaster, has been assigned to duty at Baltimore, Md., in charge of the quartermaster's duties at that city, including construction work at the various defenses in Baltimore harbor. Capt. Colden L'H. Ruggles, ordnance de

partment, has been ordered from South Bethlehem, Pa., to Sandy Hook proving ground, New Jersey, to witness the test of the eighteen-inch Gathmann gun when made.
Capt. Fox Conner, Artillery Corps, has been relieved from duty at Fort Myer, Virginia, and ordered to join his company at

Fort Hamilton, New York.
First Lieuts. Charles A. Ragan and William R. Eastman, assistant surgeons, have been ordered to this city for a course of instruction at the Army Medical Museum.
Maj. William B. Wheeler, 18th Infantry,
has been ordered to join his regiment at has been ordered to join his regiment at Fort Bliss, Texas.

Sergt. Leonard Tibbetts, Troop K, 11th Cavalry, at Fort Myer, Virginia, has been transferred to the 44th Company, Coast Artillery, as private, and assigned to duty with that company at Fort Washington, Maryland. Captain Benjamin W. Leavell, 24th Infantry, and First Lieutenants Harold B. Fiske, 18th Infantry, and John H. Hughes, 4th Infantry, have been ordered to exami-

ARGUMENT RESUMED

(Continued from First Page.)

flagship Brooklyn, May 27, 9:45 a.m." In his testimony Admiral Schley has stated that he did not re-gard this dispatch exactly as an order,, but rather as suggestive. In order to determine whether an officer disobeyed orders it is necessary to ascertain under what orders he was acting and whether his instructions were really orders or, as in this case, as Admiral Schley contends, they were merely suggestions. It becomes necessary, therefore, under paragraph 5 of the precept, to examine this important dispatch delivered by Captain Cotton to Commodere Schiey May 27 somewhat particularly, to determine whether its instructions were disobeyed. By the first sentence of the dispatch Commodore Schley is advised that "All department's information indicates the Spanish division is still at Santiago de Cuba." Then follows the order: "The department looks to you to ascertain fact and that the enemy, if therein, does not leave without a decisive action." Later on in the same dispatch is found the further direction: "As soon as ascertained, notify the department whether enemy is there." Claims That It Was an Order.

These phrases are not couched in language of suggestion; the words are not merely advisory; they are the words of an order. The English language does not contain a stronger mandatory form of expression than that embodied in the sentence "The department looks to you to ascertain facts, and that the enemy, if therein, does not leave without a decisive action." So far from being suggestive, doubtful or uncertain are the terms of this order that they approach the verge of reproof. Their incisive distinctness is notable, so much so that I think few subordinate officers, having turned their backs on a task to which they had been assigned, would care to be arrested in such act by a telegraphic order from a superior couched in such terms. But that this was an order, and an order to go to Santiago, and go there without de-lay, is emphasized by everything in the dispatch itself, and by all the circum-stances of its sending and receipt. The external evidence afforded by the national anxieties of that time are well known. The internal evidence contained in the dispatch itself that it was an order to go to Santiago is found in the fact that the commodore was advised that landing places near the mouth of the harbor existed; that insurgents would be found there, and not the Spanish, and that from the surrounding heights every vessel in port could be seen. Possible coaling difficulties are met by the suggestion that the squadron might coal from the Merrimac to leeward of Cape Cruz, in Gonaives channel or the Mole Hayti. The urgency of the whole matter is embodied in the direction: "As soon as ascertained notify the department whether enemy is there," and also in the concluding words of the dispatch, Report without delay situation at Santlago de Cuba." This telegram was signed by the Secretary of the Navy. It seems unnecessary to discuss the singular suggestion that this language does not constitute an order, but since the applicant has raised the point it is a matter for the court to decide. With this dispatch in his hands, Commodore Schley pre-pared, and before 12 o'clock of the same day, May 27, forwarded to the Secretary of the Navy by the Harvard his telegram of May 27, expressing his regret that the de-partment's orders could not be obeyed. Aside from such explicit confession of the fact that the department's telegram of May 25 contained orders, and that these orders could not be obeyed, this dispatch is perhaps the most remarkable one to be found in the annals of the American navy. Ana-

lyzed, its statements are as follows: Commodore Schley's Response. 1. Merrimac's engine is disabled and she is helpless.

This was true, but repairs were practicable, were actually undertaken on board the Brooklyn at the time, and within twenty-four hours the collier was proceeding under her own steam and signaled that she could make five to seven knots. This was but the dispatch continues: "Am obliged to have her towed to Key West." Since she was repaired in twenty-four hours, why was repaired in twenty-four nours, why was it necessary to tow her to a home port 800 miles away? Why not have her towed to the leeward of Cape Cruz, Gonaives, Haiti Channel or Mole Haiti, as suggested in the department's cablegram then before the commodore, or to Guantanamo? The dispatch continues: "Have been absolutely unable to coal the Texas, Marblehead, Vixen and Brooklyn from collier." An astonishing statement in the light of the fact that no attempt had been made to coal any of these vessels up to the time of the sending of this dispatch, save only the Texas, and on the day that attempt was made, May 24, it is clearly shown that the Texas could have coaled if necessary, but the collier did not want to go between two battleships. As to the Texas, it is elsewhere shown that she was not seriously in need of coal on the 27th; in last, that she had more proportionately than the Marble-head. As to the Vixen, she was not a fighting ship, but a converted yacht. She was not in great need of coal and could have been sent after it when she did need it, and, finally, as to the Brooklyn, the commodore's own ship, Captain Cook emphatically testifies that there was no ground for anxiety respecting her coal supply; Admiral Schley in his testimony said the same thing substantially, and it is elsewhere shown that the Brooklyn had, in fact, coai enough to have remained on blockade before Santiago for a period of more than

Why, then, should the commodore cable to the department that he had been "unable absolutely to coal" these vessels. Boatswain Hill testified that the Brooklyn was

the easiest vessel in the fleet to coal.
"Owing to very rough seas." This seems too strong a statement. The worst sea logged was a moderate sea, that on the 25th, when the squadron was en rout?, and therefore the condition of the sea on that day did not interfere with coaling opera-

"Owing to very rough seas and boistcrous weather since leaving Key West." The logs and the testimony unite in establishing the fact that very rough seas and boisterous weather had not been encountered by the flying squadron since leaving Key West, and that such language, if applicable at all, correctly described the conditions on one day only, the 25th, and perhaps on the evening of the day preceding and the forenoon of the day following, but during the 24th coaling operations were going with vessels alongside the collier and with-

Coal in the Vessels. The dispatch continues: "The Brooklyn is the only one in squadron having more than sufficient coal to reach Key West." By computations made from the steam log showing the actual coal supply on board the several vessels of the flying squadron it appears that at that time the Brooklyn could have remained on blockade twentyfive days and still had coal enough to reach Key West by the Yucatan channel; the Massachusetts, seventeen days; the Iowa, about eleven days; the Texas, about seven days, and the Marblehead could only have remained about one day. It appears, therefore, that the battle ships Massachusetts, Iowa and Texas, the most powerful fight-ing ships of the squadron, all had considerably more than coal enough to reach Key West at the time this dispatch was writ-

"Impossible to remain off Santiago in Referring again to the indisputable evidence of the squadron logs, it appears that the Brooklyn could have remained on blockade about thirty-two days, the Massachusetts about twenty four descent setts about twenty-four days, the Iowa setts about twenty-four days, the lowa eighteen days, the Texas forty-six days and the Marblehead six days, retaining still coal enough to reach Genaives, Haytl, a point where, by Admiral Schley's own testimony, he could have coaled the smaller vessels "in the ports and the larger ones off the coast."

Cape Crus as Coaling Place. "Not possible to cruise to leeward of Cape Cruz in summer, owing to southwest winds.'

Captain McCalla, who had especial opportunity to acquire knowledge of the conditions on the south of Cuba, and who was with Commodore Schley and therefore accessible as an advisor, at the time, was asked by the court:

The logs of the flying squadron during The logs of the flying squadron during the period when Commodore Schley was in Independent command confirm Capt. Mc-Calla's generalization, as does the testimony of other witnesses. It therefore does not appear that "southwest winds" could have interfered with coaling to the leeward of Cape Cruz.

"Harvard just reports to me she has only coal enough to reach Jamaica, and she will coal enough to reach Jamaica, and she will proceed to Port Royal."

But vessels of the Harvard class, with large coal capacity and wide radius of action, were able to take care of themselves; did not coal from colliers during the period of the Spanish war, and their presence was therefore not a draft upon the coal supply of the flying squadron.

"Harvard • • • also reports only small vessels could coal at Gonaives or Mole essels could coal at Gonaives or Mole Havti.

Admiral Cotton, however, upon this point testifies: "He questioned me relative to the practicability of coaling ships at St. Nicholas Mole and Gonalves channel. As to St. Nicholas Mole I said: There is no question that the smaller ships could coal there. As to Gonaives channel, I know of no reason why you should not be able to coal there.' And this appears to be substantially admitted now by Admiral Schley in his statement says: "I had in mind that the smaller vessels would be able to coal in the ports and the larger ones off the coast. That was in accordance with the impression left upon my mind at the time this information was received from Cotton." "Minneapolis has only coal enough to

reach Key West, and same of Yale, which will tow Merrimac." But the Minneapolis and Yale were also independent of the collier, and the condition of their coal supply could therefore hardly be alleged as a reason for turning the fighting ships back toward Key West.

Impossibility of Obeying Orders. "It is to be regretted that the depart-

ment's orders cannot be obeyed." Most undoubtedly! It was a critical time, and the action of Commodore Schley in abandoning his station before Santiago, thus, as he himself states, failing to obey the department's orders, created grave anxieties in our national councils. "Earnestly as we have all striven to that

The use of the plural "we" in this connection is not understood. None of the captains of the flying squadron, not even Captain Cook, were consulted with respect to the retrograde movement before it was be gun, or favored its continuance after it was begun, so far as the testimony shows. The language "We have all striven" appears to take other officers into the matter, but searching inquiry has failed to discover any officer serving with the flying squadron at this time with whom the admiral consulted, and in response to questions a number of them have testified that they did not know why the retrograde movement was made.
"I am forced to return to Key West via Yucatan passage for coal."
On May 29, three days later, Commodore

Schley telegraphed to the department: "Will retain position off Santiago until coal supply of larger vessels is reduced to lowest safe limit. Will then go to Gonaives, Hayti or coast, or near Port au Prince to coal Two more colliers, well equipped, to report at Gonaives, Hayti, urgently need-

The question naturally suggests itself. Why should the commodore have reported on the 27th that he was forced to return to Key West, 800 miles away, for coal, and on the 29th, that this was not necessary, but that he could coal on the coast of Hayti?

Nothing Certain About the Spanish. "Can ascertain nothing certain concerning enemy."

This sentence appears to dispose of the controversy respecting Captain Sigsbee's reports to the commodore and the statements of the pilot Nunez, because, if the commodore accepted those statements as conclusive, and if, after receiving the reports of Sigsbee and the statement of Nu-nez on May 26, he was satisfied that the Spanish fleet was not in Santiago, he ought surely to have so stated in this telegram. Captain Sigsbee asserts that he could not and did not make a definite report on this plenty of speed for coaling purposes, the fleet being then not far from Santiago, actly with the statement in this telegram: "Can ascertain nothing certain concerning

enemy "Was obliged to send Eagle to Port An tonio, Jamaica, yesterday, as she had only twenty-seven tons of coal on board.' coal supply on board and her commanding officer begged permission to remain, and Admiral Schley, in his testimony "While it was possible off Santiago to coal in the morning it was frequently not possible in the afternoon when the breezes freshened up. • • • We could have coaled her in the morning, but that was not until after the 1st of June." fact appears to be that the Eagle could have remained with the squadron and coaled from the collier off Santiago, but that if the commodore intended to return to Key West for coal the Eagle was "dan-gerously short of coal," and, as he informed her commanding officer, did not have coal sufficient for his purpose.

"Will leave St. Paul here."
The St. Paul and all other United States vessels had been, by the commodore's retrograde movement, taken away from San tiago, and even the St. Paul was thus re moved for a period of nearly twenty-four

"Will require 9,500 tons of coal at Key West. This appears to show that the commo dore really intended to go there with his

squadron. The dispatch concludes here, according Commodore Schley's press copy book, but, doubtless after it was press copied, a fur-ther clause advising the department of an additional complication in the affairs of the squadron was added, since the telegram, as received, contains the further sentence Very difficult to tow collier, to get cable

to hold." By this remarkable dispatch the department was formally notified that its orders to Commodore Schley could not be obeyed, and that he was forced to return to a home port for coal. Admiral Schley gives four additional reasons for leaving his station after the receipt of the department's instructions of May 25, delivered by the Harvard. These four reasons are given in the following question and answer:

Commodore Schley's Reasons. "Q. Now, after the receipt of your instructions, you did, nevertheless, leave

your station, did you not? "A. Yes, I did, and for these reasons First, Capt. Sigsbee, who commanded the scout placed in front of that harbor, declared he did not believe the squadron was there; secondly, Eduardo Nunez, the pilot, stated that he did not believe that the on account of dispatch No. 7, with the ac-companying memorandum, in which Admi-ral Sampson minimized the importance of this squadron being there, and (as a fourth reason), that the department's telegram which reached me on May 27 was so ambiguous in its terms. • It occurred to me that if the Spanish squadron were extant the proper stratelic move was to go to the westward, and not to the eastward.

• • • Those were the motives which in-

fluenced that movement."

Lieut. Beate's Offer. An important incident in connection with this matter related to an offer made by Mr. Joseph Beale, a graduate of the Naval Academy, who rendered service during the war and was on duty on board the Harvard when that vessel bore the department's dispatch of May 25 tox Commodore Schley.

patch of May 25 to Commodore Schley.

Mr. Beale deciphered that dispatch for Admiral, then Captain, Ectton, and, noticing the instructions, contained therein, at once conceived the idea of going ashore near Santiago and ascertain through the insurgents whether or not the Spanish fleet was in that harbor. The Cron this subject Mr. Beale's testimony is directly to the point:

"Q. It has appeared in evidence that you at some time offered your services to the captain of the vessel to which you were attached to proceed on shore and ascertain, if practicable, the whereabouts of the Spanish fleet. Do you remember making such offer? such offer?
"A. I do, perfectly.

"A. I do, perfectly.

"Q. What were the circumstances attending this offer, or offers, if more than one?

"A. As soon as I had completed the translation of the message of the 26th, referring to the possibility of landing, I saw that I had my chance, and it was at that moment that I formulated the plan to land. I realized that I was the first one of the fleet to know the department's wish and by make

"Q. Did you make this offer before he

went on board the Brooklyn? "A. Yes; it was before we arrived at Santiago, on the 27th." Rear Admiral Cotton also testifies to the same facts. I understood Admi-ral Schley either to disclaim all knowl-edge of this proposition on the part of Lieutenant Beale or to state that it was made four days later. I do not definitely remem-ber which. The Harvard left with Commodore Schley's dispatch at noon, May 27. About 4 o'clock in the afternoon, a steel hawser having been carried from the Yale to the Merrimac and made secure, the flying squadron resumed its movement toing squadron resumed its movement to-ward Key West. Admiral Cotton testifies that during his visit on board the flagship of two or three, or three or four, shells the commodore gave an order to make genfalling in the water in the neighborhood of our ships, and one or two passing over.
Admiral Schley, however, says there was eral signal for report whether the ships had sufficient coal to reach Key West. During his presence an affirmative report was received. Admiral Cotton adds: "I think the commodore was very much relieved when he received this information. Shortly afterward, I should say within a

few minutes, he directed that a prepara-tory signal be made for the ships to return to Key West."
That same evening, however, May 27, either before or after the conference with Captain Cook, upon which point the captain's memory is not entirely clear, coaling operations were resumed. The collier had been repaired. The sea became smoother, the Marblehead and the Texas coaled all night and the following forenoon, and the fleet then started for Santiago, arriving off that port the same evening. Such were the circumstances attending the alleged disobedience of orders referred to in specification 5 of the precept, with such of the reasons therefor as have, so far as we are aware, been developed in the course of these proceedings.

Squadron's Coal Equipment.

Specification six directs inquiry into: "The condition of the coal supply of the flying squadron on and about May 27, 1898; its coaling facilities; the necessity, if any, for, or advisability of, the return of the made by Commodore Schley with respect to this matter."

Without going into details it is sufficient to state that the Brooklyn at midnight on May 27 had 919.6 tons of coal, giving a crulsing radius at a speed of ten knots of 3,154 miles—she could have crossed the Atlantic for coal; the battle ship Massachusetts at the same hour had on board 760.7 ons, gilving a cruising radius at ten knots of 2,371 miles; the battle ship lowa 743.4 tons, giving a cruising radius at ten knots of 2,028 miles; the battle ship Texas 376.8, cruising radius of 1,459 miles, and the Marblehead 107.4, with a cruising radius of

Interesting graphic presentations show ing the coal history from midnight of May 18 to midnight of June 1, 1898, with other tables showing the coal records of the Minneapolis, St. Paul, Harvard, Yale and Vixen from noon and midnight of May 24, 1898, until reaching a port of coaling ship, are given. The average daily coal consumption of ships of the flying squadron while on blockade duty, with particular information showing how long the several vessels could have remained on blockade duty and retained coal enough to reach various acces-

sible ports, is given.

From testimony of the commanling and other officers of the Brooklyn, the lowe, the Massachusetts, the Marblehead and the executive and other officers of the Texas, and from the steam logs of those vessels it would appear that as full and completely as any fact can be shown by evidence it has been established that the flying squad-ron was on May 27, 1898, fairly well equip-ped with coal, and had at hand, further-more, a colling and that the flying squadmore, a collier containing an abundant supply of coal, somewhere between 3,000 and 4,000 tons of coal.

Under these circumstances it appears that the reports made to the department by the commodore on this subject were inaccurate, particularly the reports made at the in his telegram dispatched May 27 by the Harvard. Among the signals entered in the official

Among the signals entered in the omicial record book of the Brooklyn, at 3:55 p.m.
May 27 is the following: From Brooklyn to St. Paul: "If Sampson comes here tell him half of squadron out of coal and collier engine broken down." Commodore Schley nony that this signal should read "half of squadron short of coal," but it appears in the original signal record "half of squadron out of coal," and with respect to that the admiral says that it was not the fact, and, of course, he would not have made such a signal.

The Engagement of May 31.

Specification 7. Whether or not every effort incumbent upon the commanding officer of a fleet under such circumstances was made to capture or destroy the Spanish cruiser Colon as she lay at anchor in the entrance to Santiago harbor May 27 to 31, inclusive, and the necessity for, or advisability of engaging the batteries at the entrance to Santiago harbor and the Spanish vessels at anchor within the entrance to said harbor, at the ranges used, and the propriety of Commodore Schley's conduct with respect to this specification it seems

sufficient to say that when the flying squadron arrived off Santiago on May 29 the Colon was discovered in plain sight lying about 1,000 to 1,200 yards inside of the Morro, moored stem and stern, apparently, with awnings up, and that she so remained during the 29th, 30th and 31st of May and until the morning of the June 1. On May 31, Commodore Schley, having the Massachusetts, made signal to quadron: "The Massachusetts, the New Orleans and Iowa will go in after dinner tobal Colon with eight and twelve and thirteen-inch guns. Speed ten knots." At 12:45 p.m. signal was made: "Clear ship for action;" at 1:25, "Massachusetts, New Or-leans, Iowa, form column;" at 1:29, "Speed ten knots;" at 1:31, "Will indicate range;" at 1:33, "Following Massachusetts, use heavy guns on Cristobal Colon;" at 1:40, "Fire steadily and with greatest ticable precision;" at 2:05, "Do not any closer;" at 2:16, "Cease firing." Some question has been raised by the testimony respecting the signal made at 2:05, "Do not go in any closer," and Admiral Schley has stated that he has no recollection of such a signal and knows no reason why it should have been given. however, has just been received from the Pacific station and is found to confirm this signal. Admiral Higginson, Major Wood modore Schley came on board the Massachusetts he said: "I am going in this afternoon to fire at the Colon." Capt. Seaton Schroeder (page 99) testifies that Commodore Schley said to Admiral Higgin-son and to the witness that he was "going to take us and the Iowa in to pot the Colon. We will go by slowly and fire de-liberately, so as to sink her at her moorings," or words to that effect. Instead of so doing, the evidence of numerous wit-

The original signal book of the and others testified that when nesses establishes the fact that the speed of the vessels during the action was ten knots; that the Colon was in sight and under the fire of each successive United States vessel for a period of about two minutes when on the run to the east; that the range on that run was so great that all shots from our ships fell short, and that at the conclusion of the run to the eastward the vessels turned with port helm, passed the entrance again at a g er range and at the same speed, and that at the conclusion of this second run the order was given to cease firing and the squadron steamed out of action. During this action not one of our ships had the Colon under fire for a total period of more

than five minutes, and the Colon was not struck.
While there is some apparent divergence of statement in his former reports with respect to this engagement of May 31, we understand that the attitude of the applicart now is that this was a reconnaissance, its main purpose being to develop the batteries, and that as such it was, to quote an expression of Capt. Folger, who com-manded the New Orleans at the time, "eminently successful," since it demonstrated that the batteries at Santiago "were very weak; that they were not strong enough to do any material damage." The testi-mony of witnesses generally on this sub-ject is to the same effect, and, while it ject is to the same effect, and, while it appears that a few hostile shells fell in the neighborhood of the American fleet, no damage was done to anything.

By reason of his knowledge of the power and capacities of guns and projectiles, Captain Folger's testimony on this subject is especially valuable, and his counsel, advice and conclusions were, of course, available to the commodore at the time.

Results Accomplished.

duration in that vicinity and means a change of direction to the north very quickly."

The decimed means a return informed me that the offer had been dicating whether the projectile was moving with a high velocity or a low velocity—with a high velocity or a low velocity—points that tell at once after experience as points that tell at once, after experience, as to character, meaning the size and number, the number of rounds that were fired during the time, as indicating their num-bers—in this way alone I judged." As the result of his observations Captain Folger adds: "I considered on the New Orleans that the batteries were of such small importance that we directed the greater part of our attention, perhaps all, to the Colon." It appears that other vessels did not fire at the batteries at all, and that the six-inch guns on the New too great. Nearly all of the witnesses spoke

> quite a fall of projectiles, as many as fifty, perhaps. It is shown by the testimony of officers who served on those vessels that subsequently these same batteries were silenced within a few minutes by a single ship going into reasonably close range. On one occasion the Texas did this; on another the New Orleans did the same thing.
>
> If the fire of May 31 was intended to de-

> stroy the Colon it was a total failure. If it was intended as a reconnaissance it was an "eminent success," and clearly demonstrated that if all the ships available had been taken into action the batteries could probably have been very speedily silenced, and the Colon, moored stem and stern, broadside to the entrance, in a narrow channel could have been destroyed with channel, could have been destroyed with-out damage to any of the vessels of the American fleet, and, further, that a second vessel of the Viscaya class would perhaps also have met a like fate. Certain cautionary orders, some of them confidential in their character, issued by

th: department to Rear Admiral Sampson have been cited as forbidding the exposure of vessels to the fire of batteries, and as justifying Commodore Schley's conduct of the so-called reconnaissance of May 31. Assuming that the substance of these orders for, or advisability of, the return of the squadron to Key West to coal; and the accuracy and propriety of the official reports made by Commodore Schley with respect to have no application to the conditions existing at Santiago on the 31st of May. the batteries at Santiago been stronger than they were the probability of destroying the Colon was amply sufficient to justify a serious effort to accomplish that object. The action of the commodore in allowing the Colon to lie in plain sight for two days and a half without firing a shot in her direction seems inexplicable, in view of the fact that the destruction of the vessels of Cervera's fleet was the primary mission of the flying squadron.

Specification No. 8 Not Established. Mr. Hanna then referred to the eighth specification of the precept, concerning the withdrawal of the ships of the flying squadron from the vicinity of the harbor at Santlago at night. Of this he said: "It does not appear from the testimony adduced be- cruise from Cienfuegos to Santiago. He adfore this court that the vessels of the flying squadron were withdrawn from the en- progress of the squadron, but said this was trance to Santiago harbor to a distance not due to the weather, but to water in at sea, and therefore the extent and char- her compartments. The testimony was, he acter of such withdrawal need not be dis-

The specification covering the character of the blockade and the evidence addition on that point, he said, he should not dis-cuss, for the reason that he did not consider himself an authority on those mat-ters. He reviewed the character of the blockade, however, as shown in the evi-dence, and concluded that it was not near enough to the shore at night to have pre-vented the entrance or exit of deep-water vessels from the harbor. He said that Admiral Schley, according to his recollection, was the only witness who had testified that he could see the shore plainly at night.

Mr. Hanna in commenting on the blockade at Santiago spoke of the visit of Cap-tain Folger to the flagship Brooklyn, on which occasion he called to the attention of Commodore Schley the form of blockade

at Wei-Hai-Wei, which he had observed. "His suggestion," said Mr. Hanna, "was not adopted. This shows that in the judgment of one of the commanding officers engaged in that blockade it was of doubtful efficacy."

The Brooklyn's Loop

No. 9, in relation to the turn of the Brooklyn and the conduct of Admiral Schley during the battle of July 3. He referred to the position of the Brooklyn at the time the battle began and its proximity to the Texas. He said that the turn of the Brooklyn was really the only important feature in the battle of July 3 that the court was required by the precept to investigate, and stated that a great deal of testimony had been given in relation to that battle which, so far as he could see, had no bearing on the subject under discussion. He said that the course taken by the Spanish vessels in the morning of the battle naturally caused they got on their westward course. They could not have come out of the harbor without heading in that way. It was established, he said, that there was no change of direction after they headed for the westward. Some witnesses testified otherwise,

He quoted the testimony of Captain Wainwright and Admiral Taylor, who, he said. were close observers of the Spanish fleet when it came out from the harbor. Admiral Taylor said that according to his ob-servation there was no attempt on the part of the Spanish vessels to ram any of the vessels of the American squadron. Speaking of the loop made by the Brookwitnesses this turn took the Brooklyn to the southward 2,000 yards, and according to others, from one to two miles, though

there were witnesses who testified to short-er distances. He quoted Captain Cook, who said that when the turn was made the possibility of a collision never entered his head. He also referred to the testimony of Lieutenant Hodgson in regard to the colloquy with Commodore Schley relating to the danger of a collision. Upon this question, however, he said, the testimony of the navigator of the Texas was the best. Lieutenant Commander Heilner had said that on thinking the matter over since the bat-tle he had concluded the Brooklyn had come within 100 or 150 yards of the Texas.

Delay to the Texas. The chief engineer on board the Texas had also testified that the starboard engine had been reversed and he thought the

port engine was also reversed. "There is strong testimony on this point from the engine room of the Texas," continued Mr. Hanna, "where the orders to slow and stop, which were given from the bridge, were executed. According to the testimony, the Texas ran astern three min-

utes." Mr. Hanna went into great detail on this point, and read the testimony of many witnesses to substantiate the claim that the Texas was stopped. He said there was no doubt that the starboard engine was absolutely stopped and that the port engine was slowed down on this occasion. This was occasioned by the loop of the Brooklyn. This resulted not only in the danger of a collision and danger of injury to the Texas and possibly to the Brooklyn, but also in delaying the Texas so that she could not take the part she nesses to substantiate the claim that the so that she could not take the part she might have taken in the battle, her delay being estimated by her navigating officer

as three miles.

Mr. Hanna then turned his attention to what he termed the various explanations of the loop which had been given, both in the testimony and by Admiral Schley in of the loop which had been given, both in the testimony and by Admiral Schley in his letter to the Senate. He said it would appear from Admiral Schley's statement to the Senate that the success of the engagement was the result of the loop.

Mr. Hanna had not finished at 1 o'clock, and Admiral Dewey announced that a recess would be taken until 2 o'clock.

Many Clerks Absent. An air of quietude pervades the depart-

ments today. Officials and government employes from states where the elections may be close have gone to their homes to vote. It is estimated that fully 1,200 employes of the government are absent from the city for that purpose. The railroads sold tick-ets at a special rate.

Car for Washington Wrecked.

The sleeping car Hesperia, on the Wash ington-bound train over the Pennsylvania Captain Benjamin W. Leavell, 24th Infantry, and First Lieutenants Harold B. Fiske, 18th Infantry, have been ordered to examination for promotion.

First Lieutenant Henry S. Greenleaf, assist surgeon, has been detailed as a member of the examining board convered to the examining board convered as at the Presidio of San Francisco, relieving First Lieutenant John A. Murtagh, assist-ant surgeon.

And again, with particular reference to the results accomplishing winds were from the amount of the first one of the fleet to know the department's wish, and by making early application would probably be the affair of May 31, considered as a reconnaissance, Captain Folger states:

"From the 23d to the 23th the prevailing officer, who pointed out the proposition and told him at the Presidio of San Francisco, relieving First Lieutenant John A. Murtagh, assisting and the then agreed to convey the fall of the projectile, the annual John A. Murtagh, assisting the court:

"The southwesterly wind is of short to Commodore Schley. Captain Cotton went on board the Brooklyn, and on his at a sateless form: No cure—no pay. Frice, 50c.

ARGUMENT OF MR. HANNA

COVERED THREE SPECIFICATIONS OF THE PRECEPT YESTERDAY.

Discusses the Cruise of the Flying Squadron From Clenfueges and Schley's Alleged Delay.

Mr. Hanna continued his argument before the Schley court of inquiry yesterday afternoon until the adjournment of the court, when he concluded his remarks on the first three specifications of the precept.

He presented the following points covering the first two specifications, which, he said, he had made in the form of inquiries: 1. Why the flying squadron was dilatery, in arriving at Clenfuegos.

2. Why the squadron was held there after the receipt of Sampson's order written and dated off Havana May 21, saying, "Be at Santiago May 24."

3. Why nothing was done to communicate with the Cubans after the receipt of the McCalla memorandum, 8:15, May 23, and particularly why the three light signals that had attracted general attention on board the flect were not investigated after Commodore Schley learned that there were Cubans in the neighborhood where such signals were displayed.

4. Why order No. 6, directing that steps be taken to prevent the enemy from continuing work on certain new fortifications,

was not obeyed. Why the order directing the masking of the movements of the fleet on leaving Clenfuegos was not obeyed.

6. The nature and causes of the current said to have accounted for the steaming of the ships off shore at night while on block-

ade at Cienfuegos.

7. Why, after learning positively that the Spanish squadron was not there, and accepting this report as conclusive, the commodore sent official letters and telegrams saying not that he would leave at once, but

following day. 8. Why the commodore failed to report to any high authority that he actually did leave Clenfuegos on the evening of the 24th, if, as appears, he did so fail to report;

and generally: 9. Why, irrespective of signals, orders, or aids from any source, the commanding officer of the flying squadron did not, while at Cienfuegos, of his own motion, and with the resources under his command, do some-thing to gain information of the Spanish

The Run to Santiago

Mr. Hanna then took up the third specification of the precept, concerning the mitted that the Eagle had delayed the said, uniform to the effect that the run was a slow one, and that it did not proceed with dispatch, as directed.

Reference was made in this connection to the sending away of the Eagle to Port Antonio for coal, and Commander Souther-land's testimony was quoted to the effect that the Eagle could have coaled from the

collier Merrimac.

"As to whether the fighting ships should have been held back for the Eagle I do not express an opinion before this court." said Mr. Hanna, and then, with this sentence, he landed the squadron twenty-five miles south of Santiago, May 26, and then took up the retrograde movement. Mr. Hanna said there had been no explanation of the fact that the squadron had stopped so far south of Santiago, nor of the circumstance that after passing the landing cumstance that after passing the longitude of Santiago he had continued to the castward, except that on the latter point Ad-miral Schley had said that at the time he was asleep.

It was at this point that the scout boats St. Paul, Minneapolis and Yale were en-countered, and Mr. Hanna referred to this incident, narrating Captain Sigsbee's visit to Commodore Schley on board the Brooklyn and the contradictory testimony con-cerning the purport of the captain's communication for himself and Captains Jewell and Wise. He quoted Captain Sigsbee's testimony to the effect that he had not told the commodore that the Spanish fleet was not in Santiago, and also gave Admiral that Sigsbee had said that he knew that the Spanlards were not in the harbor.

Mr. Hanna thought there could be no difficulty in explaining the apparent contradictions. Captain Sigsbee was an officer of experience and knew very well that the fact that he had not seen the fleet was not evidence that the fleet was not there. If Captain Sigsbee had said positively the fleet was not on the inside, Commodore Schley should have refused to accept it as utterly illogical. Continuing. Mr. Hanna said: "I should think that if Commodore Schley had re-ceived information that set his mind at rest

sufficiently to warrant his turning his squadron back toward Key West, convinced him conclusively that the Spanish fleet was not there, he would surely have stated that in his next telegram to the deportment." Discussing the Nunez incident, Mr. Han-na said: "If the pilot Nunez had been interrogated on board the Brooklyn, as he was before this court, the fact that he knew nothing of twin screw vessels would have been developed, and in view of the

importance of the movement there should have been a complete investigation.

The Retrograde Movement. At this point Mr. Hanna took up specification four, referring to the retrograde movement. He said that in making this movement Commodore Schley had not only taken away from Santiago the fighting ships of the flying squadron, but also the scout vessels located there by the government to watch the mouth of the harbor. "During this time," he said, "the gates of the harbor were left entirely unguarded, and it was not our fault that Cervera's fleet did not get away without being de

At 4 o'clock the court adjourned until

TO WIDEN SHERMAN AVENUE. Bids to Be Asked for Removing Frame Buildings.

The District Commissioners are prepar ing to advertise for proposals to remove the frame billidings which are now standing on the right of way purchased for the extension and widening of Sherman avenue from Florida avenue to Whitney ave-

The right of way for the Sherman avenue oughfare to a uniform width of 100 feet, was recently secured through condemna-tion proceedings. The houses on the property involved have been paid for in the damages awarded by the jury and now belong to the District. The Commissioners have no funds with which to move them. By advertising the material in the houses for sale, however, they hope to secure a means not only of getting the structures out of the way but perhaps securiors. out of the way, but perhaps securing a small sum in addition. There is at present no appropriation available for carry-ing on the work of grading and paving the extension, but it is possible that Congress will provide for the thoroughfare at its coming session.

in an altercation about 1:30 o'clock this morning near 11th and B streets northwest. Gaines received an injury to his head, which was dressed at the Emergency Hospital. Smith was arrested by Police-men Sanford and Oriani, and he left \$10 men Sanford and Oriani, and he left \$10 collateral for his appearance. The money was ferfeited in the Police Court this morning, Smith failing to appear for trial.

Mary Hopkins, charged with the theft of a feather boa worth \$20 from a 7th street store last Saturday, failed to appear for trial in the Police Court today. Her collateral, \$75, was forfeited.